

## **CHAPTER 6**

### **CONDUCT**

#### **Part 1**

##### **Disorderly Conduct**

- §101. Disorderly Conduct Prohibited**
- §102. Disturbance of the Peace Prohibited**
- §103. Use of Firearms and Bows and Arrows Restricted**
- §104. Unlawful to Throw Stones or Other Missiles, or to Use Slingshots or Similar Devices**
- §105. Unlawful to Destroy or Injure Certain Property**
- §106. Unlawful to Tamper with Stakes or Monuments**
- §107. Unlawful to Tamper with Warning Lamps, Signs or Barricades**
- §108. Unlawful to Take Material from Streets, Alleys or Public Grounds**
- §109. Certain Acts Not Prohibited**
- §110. Penalties**

#### **Part 2**

##### **Alcohol Consumption on Public Property**

- §201. Definition and Interpretation**
- §202. Public Drinking and Public Possession of “Liquor” or “Malt Brewed Beverages”**
- §203. Exceptions**
- §204. Penalties**

#### **Part 3**

##### **Curfew**

- §301. Definitions and Interpretation**
- §302. Prohibitions Applicable During Curfew Period**
- §303. Children Not To Violate and Parents Not To Permit Violations; Penalty**
- §304. Enforcement**
- §305. Proceedings in Case of Repeated Violations**

## **CONDUCT**

### **Part 4**

#### **Conduct in Park**

- §401. Rules and Regulations**
- §402. Penalties for Violation**

### **Part 5**

#### **Sledding**

- §501. Sledding Prohibited on Sidewalks, Restricted on Streets and Alleys**
- §502. Penalties**

### **Part 6**

#### **Littering**

- §601. Littering Prohibited**
- §602. Penalties**

### **Part 7**

#### **Blocking Streets with Trains**

- §701. Blocking Street Considered a Public Nuisance**
- §702. Penalties**

### **Part 8**

#### **Advertising Matter Distribution**

- §801. Distribution of Advertising, Matter Regulated**
- §802. Penalties**

### **Part 9**

#### **Loitering**

- §901. Definitions**
- §902. Certain Types of Loitering Prohibited**
- §903. Request to Leave**
- §904. Penalties**

## **Part 1**

### **Disorderly Conduct**

#### **§101. Disorderly Conduct Prohibited.**

1. Disorderly conduct is hereby prohibited within the Borough of Gettysburg.
  - A. Disorderly conduct, as defined in the Pennsylvania Crimes Code of 1972 [18 Pa.C.S.A. §5503], is hereby prohibited within the Borough of Gettysburg. A person is guilty of disorderly conduct if he or she, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof:
    - (1) Engages in fighting or threatening, or in violent or tumultuous behavior.
    - (2) Makes unreasonable noise.
    - (3) Uses obscene language or makes an obscene gesture.
    - (4) Creates a hazardous or physically offensive condition by any act which serves no legitimate purpose of the actor.
  - B. Meaning of "Public". As used herein, the word "public" means affecting or likely to affect persons in a place to which the public or a substantial group has access; among the places included are streets, schools, apartment houses, places of business or amusement. any neighborhood or any premises which are open to the public.

[Ord. 1100-90]

2. Any person who shall willfully operate a motor vehicle by racing the motor, spinning the wheels, or any other means, so as to make or cause to be made any loud, boisterous, or unseemly noise or disturbance, to the annoyance of the peaceable residents nearby, or near to any street, alley, park, public grounds or other public property in the Borough of Gettysburg, whereby the public peace is broken or the traveling public annoyed, is also guilty of disorderly conduct.

(Ord. 6666, 6/6/1966, §1; as amended by Ordinance 900-75, 9/9/1975, §1; and by Ord. 1100-90, 6/11/1990)

#### **§102. Disturbance of the Peace Prohibited.**

Disturbance of the peace is hereby prohibited within the Borough of Gettysburg. Any person who shall be guilty of any act, word or conduct causing or tending to cause a disturbance of the peace or good order of the Borough, or causing or tending to cause any

## CONDUCT

danger, discomfort or annoyance to any of the inhabitants of the Borough, or users of the public streets, sidewalks or alleys in the Borough, by any of the following acts: loafing or loitering or congregating upon any of the streets, alleys or public grounds, so as to obstruct any part of the same or publicly using any obscene or indecent language, is guilty of disturbance of the peace. (Ord. 6666, 6/6/1966, §2)

### **§103. Use of Firearms and Bows and Arrows Restricted.**

No person shall:

1. except in defense of person or property, fire or discharge any gun or other firearm within the Borough of Gettysburg; or
2. except with adult supervision and in a location authorized and approved for the purpose by the Mayor, shoot with any bow and arrow at any place within the Borough of Gettysburg.

(Ord. 131, 6/13/1968; as amended by Ord. 1028-85, 8/12/1985)

### **§104. Unlawful to Throw Stones or Other Missiles, or to Use Slingshots or Similar Devices.**

It shall be unlawful to throw stones, shoot metallic balls or other substances, with a sling or gum strap or any other fixture used for that purpose: or to willfully and maliciously throw stones, snowballs, ice, or other substances within the limits of the Borough of Gettysburg. (6/6/1899, §2)

### **§105. Unlawful to Destroy or Injure Certain Property.**

No person or persons shall destroy or injure in any way whatsoever, or tamper with or deface any public property in the Borough of Gettysburg, or any grass, plantings, trees, walk, lamp, ornamental work, building, street light, fire hydrant, water or gas stop box, or any post, pole or other structure or fixture in or on any of the streets, alleys, sidewalks, parks or other public grounds in the Borough of Gettysburg. (Ord. 6681, 8/1/1966; as amended by Ord. 1028-85, 8/12/1985)

### **§106. Unlawful to Tamper with Stakes or Monuments.**

No person or persons shall in any manner interfere with, or meddle with, or pull, drive, change, alter or destroy any stake, post, monument or other evidence of any elevation, grade, line, location, corner or angle in the Borough of Gettysburg, made, placed or set, or caused to be done by the authorities of the Borough in any survey of or in any street, alley or public ground in the Borough, to evidence the elevation, line, grade, location,

corner or angle of any public street, alley, sidewalk, curb, gutter, sewer or other public work, matter or thing. (Ord. 6681, 8/1/1966, §2)

**§107. Unlawful to Tamper with Warning Lamps, Signs or Barricades.**

No person shall willfully or maliciously destroy or remove or deface or obliterate or cover up any lamp, warning sign or barricade erected by the authorities of the Borough or by any person, firm or corporation doing work by permission of the authorities of the Borough on any of the streets, alleys, sidewalks or public grounds in the Borough as a warning of danger. (Ord. 6681, 8/1/1966, §3)

**§108. Unlawful to Take Material from Streets, Alleys or Public Grounds.**

No person or persons shall take any earth, stone or other material from any of the streets, alleys, parks or other public grounds in the Borough. (Ord. 6681, 8/1/1966, §4)

**§109. Certain Acts Not Prohibited.**

This Part shall not apply to normal activities in connection with the construction, maintenance and repair of streets, alleys, sidewalks and public grounds and the structures and fixtures erected thereon, or to incidental results of work thereon or therein upon permit from or by authority of the Borough. (Ord. 6681, 8/1/1966, §5)

**§110. Penalties.**

Any person, firm or corporation who shall violate any provision of this Part 1 shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600; and/or to imprisonment for a term not to exceed 90 days. Every day that a violation of this Part 1 continues shall constitute a separate offense. Provided, the fact that a violator has been penalized, after hearing, as herein provided, shall not preclude the Borough or other injured party from taking proper legal action to recover damages resulting from such violation. (6/6/1899; as amended by Ord. 6681, 8/11/1966; by Ord. 125, 6/13/1968; by Ord. 900-75, 9/9/1975; by Ord. 1028-85, 8/12/1985; and by Ord. 1236-99, 12/13/1999, §2)



## **Part 2**

### **Alcohol Consumption on Public Property**

#### **§201. Definition and Interpretation.**

The following words or phrases, unless the context clearly indicates otherwise, shall have the meaning ascribed to them in this section:

1. “Liquor” and “Malt or Brewed Beverages” and “Container” and “Official Seal” shall mean the same as those words and phrases are defined in the “Liquor Code” of the Commonwealth of Pennsylvania.
2. “Open” when used in connection with a container shall mean any container which has been perforated in the case of a can or similar container or a container on which the cap has been loosened or the cork displaced or the official seal torn or mutilated.

(Ord. 976, 6/9/1980, §1)

#### **§202. Public Drinking and Public Possession of “Liquor” or “Malt Brewed Beverages”.**

1. It shall be unlawful, within the Borough of Gettysburg, for any person to drink “liquor” or “malt or brewed beverages” upon any public street, public municipal parking lot, private parking lot open to public use or public park, or in any vehicle being operated or parked thereon.
2. It shall be unlawful, within the Borough of Gettysburg, for any person to have in such person’s possession or in a vehicle under such person’s control any open container containing “liquor” or “malt or brewed beverages” upon any public street, public municipal parking lot, private parking lot open to public use or public park.

(Ord. 976, 6/9/1980, §2; as amended by Ord. 1165-94, 8/8/1994, §1)

#### **§203. Exceptions.**

The provisions of §202 above shall not apply to persons seated at tables located in a physically defined sidewalk area immediately in front of premises licensed with a restaurant liquor license by the Pennsylvania Liquor Control Board extending no closer than four feet from the curbline but in no event more than eight feet from the building line of the premises. The provisions of §202 shall also not apply to any person who is attending a function at the Gettysburg Borough Recreation Park or in the Park's recreation building at which function liquor, malt and brewed beverages or any alcoholic beverages are being served and consumed provided that the function and the use and con-

## CONDUCT

sumption of such alcoholic beverages has been properly approved in advance in writing by the Borough of Gettysburg. (Ord. 976, 6/9/1980, §3; as amended by Ord. 1165-94, 8/8/1994, §2; by Ord. 1265-02, 4/8/2002, §1; and by Ord. 1303-05, 4/11/2005, §1)

### **§204. Penalties.**

Any person, firm or corporation who shall violate any provision of this Part two shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600; and/or to imprisonment for a term not to exceed 90 days. (Ord. 976, 6/9/1980; and amended by Ord. 1028-85, 8/12/1985; and by Ord. 1236-99, 12/13/1999, §2)



## **Part 3**

### **Curfew**

#### **§301. Definitions and Interpretation.**

As used in this Part 3 the following words and terms shall have the meanings hereby ascribed to them, except where the context clearly indicates a different meaning:

1. Child: a person under the age of 18 years, whether a resident or a nonresident of the Borough of Gettysburg, and whether married or unmarried.
2. Child welfare organization: a society or organization the purpose of which is to take charge of incorrigibles or delinquents, and designated as such from time to time, by motion of the Borough Council.
3. Curfew period: the entire period between 11:00 o'clock in the evening and 5:30 o'clock in the following morning.
4. Parent: the father, the mother, or the guardian or other legal custodian of the child.

In this Part, the singular shall include the plural, the plural shall include the singular, and the masculine shall include the feminine and the neuter.

(Ord. 132, 6/13/1968, §1)

#### **§302. Prohibitions Applicable During Curfew Period.**

It shall be unlawful for any child to be in or upon any of the streets, alleys, sidewalks, parks or other public places in the Borough of Gettysburg, or in any place of public resort or entertainment or in any place of business outside the premises of his home at any time during the curfew period. Provided: the prohibition set forth hereinabove shall not apply in any of the following situations:

1. In the case of a child accompanied by his parent or another responsible person of good repute who is at least 21 years of age.
2. In the case of a child who is in the performance of an errand for his parent, and who bears a written note, from such parent, giving the date, time and nature of the errand.
3. In the case of a child who is returning from a community-or school sponsored function or activity, in which case such child shall be allowed one-half hour after the conclusion of such function or activity to reach his home, but in no case later than midnight. This exception, however, shall apply only in instances where the

## CONDUCT

Mayor shall be notified, by the school principal or other person in charge of the function or, activity, in advance of such scheduled or contemplated function or activity, and when, at the conclusion of such function or activity, the Mayor or Chief of Police shall be notified thereof by the principal or other person in charge.

(Ord. 132, 6/13/1968, §2)

### **§303. Children Not To Violate and Parents Not To Permit Violations; Penalty.**

It shall be unlawful for any child to violate any of the provisions of §302 to permit his child to do so, and any child violating, or any parent permitting his child to violate, any of the provisions of that section shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600, and in the case of a parent, to imprisonment for not more than 90 days. (Ord. 132, 6/13/1968, §3; as amended by Ord. 1028-85, 8/12/1985; by Ord. 1061-87, 9/14/1987; by Ord. 1236-99, 12/13/1999, §1; and by Ord. 1236-99, 12/13/1999, §2)

### **§304. Enforcement.**

It shall be the duty of the members of the Police Department of the Borough of Gettysburg to enforce this Part and, upon finding a child violating any of the provisions of §302 of this Part 3, to take such child into custody at Police Headquarters; to make a record of the name, address and age of such child; and to notify the parent of such child to come immediately to Police Headquarters and to take such child to his home. In any case where a parent cannot be contacted or located, the police officer having custody of such child shall contact the child welfare agency for instructions as to custody of such child for the remainder of the curfew period. Provided; the police officers of the Borough, in taking children into custody under this Part, shall use their discretion in determining age, and, in doubtful cases, may require positive proof, and, until such proof is furnished, the officer's judgment shall prevail. (Ord. 132, 6/13/1968, §4)

### **§305. Proceedings in Case of Repeated Violations.**

If any child shall be found violating any of the provisions of §302 of this Part 3 more than three times, the Mayor shall report such fact to the child welfare organization, and proceedings shall then be taken in the Court of Common Pleas or the Juvenile Court for the permanent welfare of such child, and a like procedure shall be followed in cases where the arrest and prosecution of the parent shall not be effective. (Ord. 132, 6/13/1968, §5; as amended by Ord. 1028-85, 8/12/1985)

## **Part 4**

### **Conduct in Park**

#### **§401. Rules and Regulations for Conduct in Recreation Park.**

The following rules and regulations are hereby established for the management and protection of the Gettysburg Borough Recreation Park and its facilities, and of the persons using the same, such Recreation Park being located on the west side of Long Lane in the Borough of Gettysburg and being hereinafter referred to as "Rec Park":

1. No person shall injure, deface, remove, cut out or damage any of the trees, plants, shrubs, buildings, structures, fixtures, benches, or any other property of the Borough located within Rec Park;
2. No person shall willfully make or cause to be made any unreasonable disturbance to the annoyance of other persons peaceably using Rec Park or its facilities;
3. No person shall set up any booth, table or stand for the sale of any food, drink or other article or articles whatsoever within the Rec Park without having first obtained the consent of the Board of Recreation of the Borough of Gettysburg;
4. No person shall dispose of any waste, litter, garbage or other refuse within Rec Park except in receptacles placed for such purpose;
5. No person shall carry or otherwise transport any alcoholic beverage into the Rec Park or within the Rec Park with the exception of any person who is transporting such alcoholic beverages in connection with a function to be held within the Rec Park or in the Rec Park's recreation building at which function the use and consumption of such alcoholic beverages has been properly approved in advance in writing by the Borough of Gettysburg. No person shall consume any alcoholic beverages within the Rec Park or in the Park's recreation building with the exception of any person who is consuming an alcoholic beverage at a function at which the use and consumption of such alcoholic beverages has been properly approved in advance in writing by the Borough of Gettysburg.
6. No person shall operate any motorcycle, motorbike, minibike or a similar motorized vehicle in Rec Park except within the areas provided for vehicular parking; and
7. No person shall be upon the premises of Rec Park between sunset and 6:00 a.m., prevailing time the following morning, except to attend functions of the Borough Council, Gettysburg Fire Department or functions approved by the Gettysburg Recreation Board. [Ord. 1179-96]

(Ord. 938-78, 6/13/1978, §1; as amended by Ord. 990-81, 12/14/1981; by Ord. 1179-96, 6/10/1996; by Ord. 1265-02, 4/8/2002, §2; and by Ord. 1303-05, 4/11/2005, §2)

## CONDUCT

### **§402. Penalties.**

Any person, firm or corporation who shall violate any provision of this Part 4 shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600; and/or to imprisonment for a term not to exceed 90 days. Every day that a violation of this Part 4 continues shall constitute a separate offense. (Ord. 938-78, 6/13/1978, §2; as amended by Ord. 1028-85, 8/12/1985; and by Ord. 1236-99, 12/13/1999, §2)

## **Part 5**

### **Sledding**

#### **§501. Sledding Prohibited on Sidewalks, Restricted on Streets and Alleys.**

No person or persons shall coast or ride upon any sled or similar conveyance upon any sidewalk in the Borough of Gettysburg, or upon any street or alley in the Borough unless such street or alley shall have been especially set apart by the Mayor as a play highway for the purpose of sledding and shall have been blocked off or otherwise adequately protected from vehicular traffic. (Ord. 140, 6/13/1968, §1; as amended by Ord. 1028-85, 8/12/1985)

#### **§502. Penalties.**

Any person, firm or corporation who shall violate any provision of this Part 5 shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600; and/or to imprisonment for a term not to exceed 90 days. Every day that a violation of this Part 5 continues shall constitute a separate offense. (Ord. 1028-85, 8/12/1985; as amended by Ord. 1236-99, 12/13/1999, §2)



## **Part 6**

### **Littering**

#### **§601. Littering Prohibited.**

It shall be unlawful for any person, firm or corporation or any agent thereof to place, throw, store, accumulate or maintain, or cause to be placed, thrown, stored, accumulated or maintained any used cans, papers, paper boxes, used lumber, rubbish, debris, animal matter, garbage, empty bottles or other containers upon any property within the Borough of Gettysburg or on or near any alley, highway or stream located in said Borough, except in accordance with any Borough ordinance dealing with the collection of garbage, refuse, trash, or solid waste. (Ord. 1028-85, 8/12/1985)

#### **§602. Penalties.**

Any person, firm or corporation who shall violate any provision of this ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600, and/or, to imprisonment for a term not to exceed 90 days. (Ord. 1028-85, 8/12/1985; as amended by Ord. 1236-99, 12/13/1999, §1)





## **Part 7**

### **Blocking Streets with Trains**

#### **§701. Blocking Streets Considered a Public Nuisance.**

No person shall cause an engine, car or train of cars to block any street or to remain on any street crossing or to protect beyond the building line of any street for a longer time than five minutes, except in case of accident; nor shall any company or individual allow any of its or his engines or cars to remain upon any of the main tracks or switches within the Borough so as to interfere with public travel. A violation of this ordinance shall be considered a public nuisance. (Ord. 1/10/1905, §4; as amended by Ord. 103, 6/13/1968, §1; and by Ord. 1028-85, 8/12/1985)

#### **§702. Penalties.**

Any person, firm or corporation who shall violate any provision of this Part 7 shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600; and/or to imprisonment for a term not to exceed 90 days. Every day that a violation of this Part 7 continues shall constitute a separate offense. (Ord. 1/10/1905, §4; as amended by Ord. 103, 6/13/1968, §1; by Ord. 1028-85, 8/12/1985; and by Ord. 1236-99, 12/13/1999, §2)



## **Part 8**

### **Advertising Matter Distribution**

#### **§801. Distribution of Advertising Matter Regulated.**

No person or persons, partnership, firm or corporation shall distribute any handbill or other advertising matter or sample whatever in the Borough of Gettysburg by casting or scattering the same upon any of the streets, alleys, sidewalks or public or private property in the Borough, nor shall they place such material upon any motor vehicle. Furthermore, such material may not be placed on private property in such a way that it can be blown away and become a nuisance to the Borough and property owners. Provided, nothing herein shall prevent any person from handing any literature or other printed matter, noncommercial in nature, upon any of the streets, alleys and sidewalks in the Borough, to any person willing to receive the same. (Ord. 10/3/1932; as revised by Ord. 1028-85, 8/12/1985)

#### **§802. Penalties.**

Any person, firm or corporation who shall violate any provision of this Part 8 shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600; and/or to imprisonment for a term not to exceed 90 days. (Ord. 10/3/1932; as amended by Ord. 1028-85, 8/12/1985; and by Ord. 1236-99, 12/13/1999, §2)



## **Part 9**

### **Loitering Prohibited**

#### **§901. Definitions.**

As used in this Part, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

LOITERING — remaining idle essentially in one location; lingering; spending time idly; loafing or walking about aimlessly in one vicinity or neighborhood; or “hanging around.”

PUBLIC PLACE — any place to which the public has access including any public street or public sidewalk, the front of and the area immediately adjacent to any school, parking lot, store, restaurant, tavern or other place of business.

(Ord. 1101-90, 6/11/1990, §1)

#### **§902. Certain Types of Loitering Prohibited.**

No person shall loiter in a public place in such manner as to:

1. Create or cause to be created a danger of a breach of the peace.
2. Create or cause to be created any annoyance to any person or persons.
3. Obstruct the free passage of pedestrians or vehicles.
4. Obstruct, molest, or interfere with any person lawfully in any public place as defined in §901 of this Part. This shall include the making of unsolicited remarks of an offensive, disgusting or insulting nature or which are calculated to annoy or disturb the person to, or in whose hearing, they are made.

(Ord. 1101-90, 6/11/1990, §2)

#### **§903. Request to Leave.**

Whenever the presence of any person in any public place is causing or is likely to cause any of the conditions enumerated in §902 of this Part, any police officer may order that person to leave that place. Any person who shall refuse to leave after being ordered to do so by a police officer shall be guilty of a violation of this Section. In addition, any person who shall again loiter in the same public place within 30 days after leaving that place on order of a police officer shall be guilty of a violation of this Section without being first ordered to leave that place and refusing to do so. (Ord. 1101-90, 6/11/1990, §3)

## CONDUCT

### **§904. Penalties.**

Any person who shall violate any provisions of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600, and/or to imprisonment for a term not to exceed 90 days. (Ord. 1101-90, 6/11/1990, §4; as amended by Ord. 1236-99, 12/13/1999, §1)